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it is better he is silent, instead of, while playing the role of Leader of the Opposition, on financial matters attacking the Government in whatever they do."

DR. V. K. JOHN :—" Have I not supported Government several times? "

\* THE HON. SRI B. GOPALA REDDI :—" On financial matters he has not been very helpful to us. His has not been a healthy criticism about what is being done and what is not being done. (Interruption.) Whatever it is, sometimes empty clouds make much noise. It does not mean a big rain is in the offing; it does not mean a big cyclone is in the offing. They thunder and roll on, and so we do not bother about them. We go on as long as we can go on. It may be the Opposition is not strong enough. Every Government have to function, and sometimes they have to incur expenditure not provided in the Budget; and so it is necessary that they should come forward with supplementary estimates. We had a big discussion in the recent Finance Ministers' Conference about the expenditure incurred without the approval of the legislature. Last year they incurred one hundred crores in the Government of India. This was discussed, and they could not do anything or arrive at any conclusion, except as a sort of wishful thinking that it should be confined to the minimum expenditure possible. In that way it was considered and no definite conclusions were arrived at. Therefore, the House should allow Government to incur some expenditure even though it was not included in the original Budget. If there is widespread discontent about it, Government will seek a vote of confidence according to established parliamentary traditions. That is the convention. If they do not get it, they will resign. I hope we will respect that convention here also."

MR. PRESIDENT :—" The House will now take up non-official business."

### III.—NON-OFFICIAL BUSINESS.

THE MADRAS WAKF BILL, 1947 (L.C. BILL NO. 3 OF 1947).

\* JANAB ABDUL LATIF FAROOKHI :—" Mr. President, Sir, before moving my motion I would like to raise a point of order about the amendment tabled by Mr. K. T. M. Ahamed Ibrahim."

MR. PRESIDENT :—" That will come in later. You may make your motion. It may be, Mr. Ibrahim may not move his amendment at all. So, you may move your motion and if Mr. Ibrahim moves his amendment, you may raise your point of order, if any."

JANAB ABDUL LATIF FAROOKHI :—" Mr. President, Sir, I beg to move that the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947), be referred to a Select Committee. Sir, for the present I do not want to go into the details of the Bill. You will remember, Sir, when I introduced this Bill, the hon. the Leader of the House,

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Dr. Rajan, wanted that the Bill should be referred for eliciting public opinion. Of course it was passed and the Bill was referred for public opinion. Public opinion has expressed itself. It is printed in the form of a book, and I shall refer to some of the important opinions expressed on the matter.

“ First, there is the opinion of Mr. V. L. Ethiraj, Barrister-at-Law, Public Prosecutor, Madras. He says, ‘ I agree with the principles and object of the Mover of the Bill.’ Then comes the view of the Board of Revenue. They are in favour of this Bill. They say, ‘ Among the objectors to the Bill, the opinion of Sir Mohamed Usman of Madras seems to carry some weight. He has stated that the Bill will have the effect of discouraging people from making Wakfs. The Board, however, holds the view that the present legislation cannot stand in the way of persons, charitably disposed who would be willing to make Wakfs. Unless there is a reasonable cause for apprehension in the minds of people, who create the Wakfs, that the funds are likely to be diverted to purposes other than those originally intended for, there appears to be no reason for the donors to be discouraged from making Wakfs. In conclusion, the full Board is of the view that the intended legislation will provide for the efficient management of the Wakfs in the Province.’ Then, Sir, the Collectors of all districts have expressed their opinion. Some have expressed their opinion; while some have not expressed at all their opinion. Of those who have expressed their opinion, every one of them, without a single exception, has expressed in favour of the Bill. The Collector of South Arcot says, ‘ the Bill now moved by Mr. Abdul Latif Farookhi Sahib seeks to remedy these defects among other things and it may therefore be considered as a desirable piece of legislation. The Muslim Wakf Act of 1923 which is now in force has two main defects, namely, (1) the absence of any means of verifying the correctness of the accounts of Wakf unless a private person moves the court by a petition after paying the prescribed fees and (2) the absence of any agency or authority with powers of superintendence over the Wakf.’ Then the Collector of Tirunelveli says, ‘ the general consensus of opinion appears to be in favour of the Bill. Such a legislative measure appears necessary for the proper and better management of Wakf.’ Then, Sir, the Collector of Guntur says, ‘ the Bill is a welcome measure to the Muslim population and its enactment will certainly help the community in general.’ ”

THE HON. DR. T. S. S. RAJAN :—“ On a point of order, Sir. We have all been furnished with a copy of the opinions. Is it necessary for the hon. Member to read them? ”

\* JANAB ABDUL LATIF FAROOKHI :—“ Sir, I am only reading one or two sentences here and there. Then, Sir, the Collector of North Arcot says, ‘ as stated in the Board’s reference cited above, Sri N. M. Anwar, M.L.A., and the Principal, Arabic College, Vellore, were consulted regarding their views on the principles of the Bill.’ Of course they are opposed to the Bill. Further on he says, ‘ The present Bill seeks to remedy these defects and has also



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provided for an effective machinery to manage and supervise Wakf properties. The objections raised by interested Muslims need not be taken seriously. I consider that the Bill, if passed, would ensure effective management of Wakf properties and may, therefore, be supported by Government'.

" The Collector of Nellore also supports the Bill. Now there is only one Hindustani Muslim newspaper throughout the Province, a daily newspaper called the ' Mussalman ' and that newspaper also supports the Bill. The Chief Presidency Magistrate, the Andhra Muslim Conference, the All-India Shia Conference and a host of others have supported the Bill.

" There are certain individuals who are and institutions which are interested in me or with whom I have some connexion or other. I have asked them not to express any opinion lest I should be accused of having stage-managed things. Now I shall examine how the opposition to the Bill stands. One important organization which is opposed to this Bill is the Muslim Educational Association of Southern India. What are the objections of that Association to the present Bill? The Association is convinced that there is need for legislation not merely to prevent mismanagement of the Muslim religious and charitable endowments but also to preserve the properties of such endowments. It is to be regretted that all the legislation so far enacted by the Central as well as Provincial Legislatures in respect of Muslim religious and charitable endowments has not served the purpose of achieving the above object. Even the scheme framed by courts of law in this Province have in many cases failed to secure any better management of the Wakf properties or the proper utilization of the funds belonging to the Wakf or income derived therefrom. Section 92 of the Civil Procedure Code as interpreted by the High Court of Judicature at Madras is the relevant section for the proper management and preservation of the Wakfs and their endowments in this Province. The Muslim Educational Association of Southern India, Madras, therefore, feels that there is urgent need for undertaking legislation so as to amend the Civil Procedure Code as well as the Limitation Act in order to prevent further mismanagement and disappearance of the Muslim religious and charitable endowments.

" For securing the proper administration of the Muslim religious and charitable endowments in this Province, the Association is of the firm opinion that there should be established a properly constituted independent statutory body such as a Board of Commissioners for Muslim Religious and Charitable Endowments on the same lines as Hindu Religious Endowments Board with necessary modifications and adjustments suited to the needs of the Muslim institutions. Unless such a machinery which is to work under the supervisory control and direction of the Government with due regard to the requirements of the personal law of Muslims is set up, it is not possible to improve the existing state of affairs in regard to the Muslim charitable and religious endowments.

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"I ask every member of this House whether this opinion is in support of the Bill or not. Down below there is opposition. I do not understand the reasons for the opposition."

MR. PRESIDENT :—"Have they given any reasons?"

JANAB ABDUL LATIF FAROOKHI :—"They say—

'Viewed from this aspect, the provisions of Madras Wakf Bill No. 3 of 1947 and the machinery suggested therein do not and will not achieve any purpose whatsoever in securing the better and efficient management of the Wakf properties.'

They say that certain machinery has to be set up. The foundation has been laid when the Hon. Leader of the House agreed to circulate this Bill for eliciting public opinion. The public opinion received is in favour of the Bill. If they are opposed to certain or all the provisions of the Bill, let them scrap every word of it and put in whatever they want. Why do they say that this Bill will not achieve the object in view? There are two reasons—two unpleasant reasons—which they do not want to give openly and in so many words. Let me open my heart and state them. I hope my hon. Friends on this side of the House and on the other side will excuse me. They say that Muslim endowments should not be handed over to a Hindu Government. We are wedded to this Government. We are not going away to Pakistan. If we are not to trust this Government, whom else are we to trust? To whom are we to go for finance and other things except the Hon. Finance Minister and the other Ministers of this Government? If they think that a Hindu Government should not manage Muslim endowments, why don't they have the moral courage to say so? The Muslim community is not opposed to this Bill. The Muslim community has handed over their endowments even to the British Government. In any Government there will be bickerings among the people. There was the trouble of partition and no-partition in the past. Now everything is settled."

THE HON. SRI K. MADHAVA MENON :—"What do you want us to do?"

\* JANAB ABDUL LATIF FAROOKHI :—"You have received public opinion. Muslim public opinion is in favour of it. The Board of Revenue has also said that. Act up to that opinion. If you don't act up to that public opinion and throw out this Bill. I have no axe to grind. I will be content with the moral satisfaction that I have done my part of the duty. This Legislature will be here either in this form or some other form. We, Muslims, have to live in this land. If we die, our future generations of people will have to live with the children of these Hindus. When that is the case, how can anybody say that Muslims have nothing to do with Hindus and the Hindus have nothing to do with the Muslims and hence the Hindus have no business to legislate so far as Muslim matters are concerned? Why don't they say that openly? Why do they say that all this is necessary and then object to the Bill? As I said, scrap every word of it. Here is the foundation. Put your superstructures upon it. I shall accept your amendment



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*in toto*. But don't say that this is not necessary. Why do they adopt dilatory tactics? Why do they wait in deputation on the Minister in charge of the department and say that the Bill be recirculated? Recirculation in other words means shelving the Bill. That is one reason.

There is another reason and that is that the Bill is moved by Mr. Farookhi, a man who has left the Muslim League. The Muslim League Party is there wounded and grieved. (Interruption by Janab K. T. M. Ahmed Ibrahim.) My hon. Friend will have his turn to speak. They say: 'Here is a man who has left the Muslim League'. I do not want to speak about party affairs. I will only make a passing reference and say that we, Muslims, have either to live in this land as Indians and citizens of this land or we must quit. There is no other go for us. If we are to live as citizens of this country, we have to live on non-communal lines, we have to associate ourselves with non-communal institutions. There is no half-way house between these two. There is no use of saying that this man has left the Muslim League. My Hon. Friend, the Finance Minister, the other day took Mr. Abdul Hameed Khan to task and he was justified in doing so because Mr. Abdul Hameed Khan unnecessarily provoked him. He said: 'You don't exist as a party'. That is not the proper reply. If Mr. Hameed Khan had joined any other political party, he could have been taken to task. Where is the Muslim League? On the floor of this House, on platforms outside this House and from house-tops I say that the Muslim League is dead and gone. There is no use of talking of the Muslim League. (K. T. M. Ahmed Ibrahim: 'I challenge the hon. Member to resign his membership in the Council and seek re-election on this issue.') Because the Bill is moved by Mr. Farookhi, a man who has left the Muslim League, the Bill is not to be supported.

If these two reasons weigh with the Government and if the Government are to play into the hands of people who want to adopt dilatory tactics, I have no complaint, no grievance or no criticism against them. I sponsor the Bill with the best of intentions. I want that the Muslim community should be helped in respect of the management and preservation of their endowments. I want the Muslims to live along with other people. I think this is a national Government which can deal with Muslim endowments with as much care as they take in regard to Hindu endowments. They should not make any distinction between the Hindu and Muslim endowments. That is why I have moved this Bill in this House. If the Hon. Leader of the House or any other Minister or the Ministry or the party as a whole feel that this Bill should not be passed because there are people who oppose it, let them defeat this. I have no objection. I submit if you examine carefully the object underlying the opposition of each one of the opposers, you will find that the one reason is vested interest. The most important thing is the vested interest. Please enquire into the lives, property and affairs of the opposers and see whether

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every one of them is not connected with this endowment or that. Is not this Bill going to snatch away the undue privileges which these people are enjoying? When that is the reason, I submit this House must be fair to the Muslims. From the beginning to the end excepting the last paragraph, the Association insists upon the necessity of having such a board, institution or machinery as has been provided for in the Bill. If, according to them, modifications are necessary, let them make those modifications. I say put the structure on this foundation. Where is another opportunity? If they are not going to put the structure, it means they don't want any legislation. They don't want to say so openly and in so many words for fear of courting unpopularity. Therefore, they adopt dilatory tactics, so that this Bill may not become an Act at all. If the Government knowingly or unknowingly, wittingly or unwittingly, want to play into their hands, I have no complaint against anybody. I am not at all in any way affected.

"A similar Bill was sought to be introduced in the Legislative Assembly in 1937 by Mr. Basheer Ahmed Sayeed, now the Hon'ble Mr. Justice Basheer Ahmed Sayeed. What was the result? The result was there was wirepulling. It was sabotaged and the Muslim public opinion was enraged against the people who sabotaged the Bill. The Muslim League Party then assured the Muslim public that a similar Bill would be moved by the party itself. I was one of those who were asked to address a public meeting on the above lines. With what face and courage do these very people, who have given the assurance to the public, now come forward and say that this Bill is not necessary? They cannot do it and therefore it is that they are putting it in this manner. They emphasise the need for such machinery and then say that there is no need for this Bill. No reason is given. If they say that this Bill is defective, I humbly request them to suggest amendments and I shall accept every one of their amendments."

THE HON. SRI K. MADHAVA MENON :—"There are people who have expressed themselves against the Bill. Will the hon. Member please say why they oppose? We are having an open mind in the matter."

\* JANAB ABDUL LATIF FAROOKHI :—"I am thankful to the Hon. Minister for the suggestion. The one gentleman whose opinion is to be respected, and I also respect his opinion, is Sir Muhammad Usman. With regard to his opinion, the Board of Revenue has said that his fears are unfounded. Therefore, we need not take that into consideration now. There are opinions expressed by some organizations like the Anjuman. As public workers, every one of us including the Ministers and your goodself, Mr. President, knows that if we want to do anything, of the kind, we have to manipulate things and arrange meetings in support of our cause. You will pardon me if I say that I have myself arranged for public meetings and addressed them not only in



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Madras but also in Andhra Desa and elsewhere. When I was a member of the Central Assembly, I used to keep typed copies of a resolution and send them to people to hold public meetings and have it passed. Has any other organization opposed this Bill except the Educational Association whose opinion I have read? If only I wanted public meetings to support the Bill, I could have convened them in hundreds and got a resolution passed in support of the Bill in every one of such meetings. Even without meetings, I could have arranged to send some communications to the Press. Do not the hon. Members know all these?

"Sir, the other opinion is that of the Carnatic Family Association. That Association has not expressed any opinion itself. I am the President of the Carnatic Family Association. You will remember, Sir, the party we gave in honour of your goodself and an Hon. Ministers on behalf of the Carnatic Family Association on a former occasion. Now there are one or two interested persons perhaps in the pay of His Highness the Prince of Arcot who have expressed opinions against the Bill. Can that be taken as the opinion of the Carnatic Family Association? As I said, I am the President of that Association and Mr. Muhammad Mahnood, a young promising advocate, who is the Honorary Secretary of the Association and who has very greatly assisted me in drafting this Bill for which I am highly grateful to him, is in its favour.

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"Then, Sir, there are one or two persons, whose names I do not want to mention who have expressed themselves against this Bill. There is no connexion between this Bill and the opinions expressed by them, and one of them is a member of the Carnatic Family, who is known throughout the City as a semi-crack and the Government have simply incorporated his opinion in the book published by them without knowing what the real nature of that man is."

THE HON. SRI B. GOPALA REDDI :—"Has he been declared by a court as a crack now?"

\* JANAB ABDUL LATIF FAROOKHI :—"I do not say so, Sir, but I said that he is known to be a semi-crack. If you go through his opinion, you will find that it is simply non-sense and that it has no connexion with this Bill. He simply praises the Nawab of Carnatic and glorifies him. But now there is no glory in the ex-ruling families—not even in the Native States. He says nothing about these wakfs. He speaks about his own family.

DR. V. K. JOHN :—"May I say that there is no provision in law to detain a semi-crack, unless he is a Communist, Sir."

\* JANAB ABDUL LATIF FAROOKHI :—"What are the other weighty opinions, Sir? There is another opinion expressed about the Bill by a leading Muslim gentleman of Madras who is an auditor. He is not against the Bill altogether. Sir, opinions naturally vary. Here, that gentleman simply suggests certain modifications to the Bill. I do not say, Sir, that the Bill introduced

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by me is infallible. If there are any modifications or amendments necessary, let us have them. That is why I have moved that the Bill be referred to a Select Committee. Perhaps certain modifications might be necessary. There are various opinions also expressed against the Bill. But if you go through this booklet and read all the opinions printed therein, you will find that many of those people who have expressed opinions against the Bill, simply have suggested only certain improvements or modifications. But so far as I could gather, Sir, none of them, whose opinions are entitled to some weight, want that the Bill should be scrapped altogether.

"Sir, what does the Board of Revenue say? The Board of Revenue, on the whole supports the Bill, besides forwarding the opinions of the various Collectors and in conclusion it says, 'The full Board is of the view that the intended legislation will provide for the efficient management of the wakfs in the Province'. What more authoritative opinion is required?"

"Then, Sir, which is the other strong and influential opinion against the Bill. That is probably the opinion expressed by Sir Muhammad Oosman."

THE HON. SRI K. MADHAVA MENON :—"The Muslim Educational Association of Southern India."

\* JANAB ABDUL LATIF FAROOKHI :—"Sir, the Muslim Educational Association of Southern India says that a Bill of this kind is necessary, not merely to prevent mismanagement of the funds of the Muslim religious and charitable endowments, but also to preserve the properties of such endowments. You can as well go through their opinion from top to bottom. Then where is the reason for them to throw out this Bill? If, as I said, this Bill requires certain improvements or modifications, by all means, let us thrash it out in the Select Committee. Sir, all these reasons against the Bill boil down simply to this. It is a question of vested interests. I appeal to the Government that if they are satisfied that a Bill of this kind is not necessary for the preservation of the properties of charitable and religious endowments of the Muslim community, let them say so and I shall be satisfied. I will have no grievance against the Government. Let the Government say, 'Let the Muslim Wakfs go on like this; let their religious and charitable endowments go on as they are; let people in charge of these religious institutions squander or misappropriate their funds in any manner they like'. If they say like this, then all right, let my Bill be thrown out. If, on the other hand, they think that a measure of this kind is necessary for the Hindus of this Province to preserve the properties and to prevent mismanagement of the Hindu Religious and Charitable Endowments, even so I say, they should equally welcome this Bill. I do not see why they should draw a line of distinction between Hindus and Muhammadans in regard to the management of their religious and charitable endowments. Why should they not treat both of them alike and on an



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equal basis, and treat the Muslim institution with the same affection, with the same courtesy and with the same solicitude, with which they treat the religious institutions of their Hindu brethren.

“ Now, Sir, what does the Muslim Educational Association of Southern India say? They say, ‘ For securing the proper administration of the Muslim religious and charitable endowments in this Province, the Association is of the firm opinion that there should be established a properly constituted independent statutory body such as a Board of Commissioners for Muslim religious and charitable endowments on the same lines as Hindu Religious Endowments Board with necessary modifications and adjustments as suited to the needs of the Muslim foundations’. Therefore, they do not say that there is no need for a legislation of this sort. Sir, you can read between the lines and draw your own conclusion. I leave it to the House to read this opinion and draw their own inference. What they want is that this Bill must be drafted on the same lines as those of the Hindu Religious Endowments Bill. Now I ask, what else does this Bill do? It is drafted on the same lines as the Hindu Religious Endowments Bill and is based on the same principle. What other motive is there for me in this Bill? Is there any other object in this Bill than the one which they themselves have expressed here? After all, Sir, I do not understand how things of this nature would be on different lines altogether.

“ Sir, I do not want to go into the merits or demerits of this Bill at this stage. I say, that if those who are opposed to this Bill are sincere, let them suggest modifications; let them suggest amendments they want in the Select Committee. Let them even scrap the whole Bill and redraft all the clauses in the Bill; I would have no objection to that even. Let it be for the great good of their community. But if you do not want to do any of these things, then for God's sake, do not attribute motives to me for bringing forward this Bill and do not stand in my way. That is my request to you. Have the moral courage to come up and say, ‘ We want a Bill of this sort; let this Bill be modified and thrashed out in the Select Committee’. Therefore, Sir, I say to the Government, if you sincerely feel that this Bill is not necessary, then by all means oppose it. I would have no grievance against you. I would not complain against you. But let not the Government allow themselves to be misled and play into the hands of reactionaries or vested interests. For God's sake, please consider ten thousand times before you ask your party to oppose this motion.

“ Now Sir, at the present stage it is not for me to speak about the details of this Bill because the very life of it hangs in the balance. Its life is in the hands of the Government party. If they really feel that a Bill of this kind is necessary for the preservation and protection of Muslim religious endowments and their properties, if they really want to help the Muslim community in this matter, then I would request them in all earnestness to support this measure. With these words, Sir, I move my motion.”

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\* **SRI R. SURYANARAYANA RAO** :—“ Mr. President, Sir, I rise to support the motion. Being ourselves engaged in the reform of Hindu Religious Endowments, I am sure, Sir, all of us will sympathize with the objects of this measure. As the hon. Mover himself has said, you may alter any details in the Select Committee, in any manner you like, without defeating the principle of this Bill, because the principle underlying this Bill is the same as that of the Hindu Religious Endowments Bill. Therefore, Sir, I heartily support the motion for referring this Bill to a Select Committee.

**MR. PRESIDENT** :—“ The question is, that the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947), be referred to a Select Committee.”

\* **JANAB K. T. M. AHAMED IBRAHIM** :—“ Mr. President, Sir, I move that the Madras Wakf Bill, 1947, be recirculated for eliciting public opinion thereon. In case, Sir, this motion is not carried, I should like to move my alternative amendment afterwards.

“ Sir, the hon. Mover of this motion had canvassed support for this Bill and in doing so, he has as a matter of fact canvassed support for my amendment. He himself admitted that there is no weighty opinion for the Bill.

“ Sir, the other day when this Bill was brought before the House, a motion was made that this Bill be circulated for eliciting public opinion. On that occasion the Leader of the House the Hon. Dr. T. S. S. Rajan said, ‘ I should like this Bill to be thrown open for public opinion, public opinion particularly from persons concerned in the management of the wakfs and the religious institutions there.’ That is to say, he wanted that persons who are actually concerned with the management of the wakfs and other Muslim religious institutions should express their opinion on this Bill. And again, Sir, he said, ‘ This measure should have public support. As far as we are concerned, we want that public opinion should be got on this Bill. Hindus being in a majority in this House and in this Province, I want to make it clear that in passing such a measure, we should give sufficient time . . . ’

“ Now, Sir, let us examine from the list of public opinions and documents received, what the reaction of the public towards this Bill is. What do those people who are concerned with this matter say about this Bill? Sir, here we have the opinions of Collectors communicated by the Secretary to the Board of Revenue. All the District Collectors have not expressed their opinions. Only a few Collectors have given their views. There is no indication as to how they have arrived at those opinions. Most of the opinions expressed are surmises of a vague nature. One Collector says : ‘ The general consensus of opinion appears to be in support of the Bill. Such a legislative measure appears necessary for the proper



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and better management of the Wakfs.' Sir, there is nothing definite in this opinion. Some of the Collectors have expressed their own individual opinions. Judging from these opinions, I do not think, Sir, that anybody can come to any correct conclusions in the matter. Whether the Collectors are in favour of this Bill or against it, whether they have properly ascertained the opinions of Muslims in the districts concerned or not, whether they have consulted the Muslim religious heads or the heads of Muslim religious institutions or not—nothing is clear.

"Sir, the Collector of North Arcot says that two important Muslim representatives in the district who were consulted have expressed their opinions unequivocally against this Bill. The Collector of Madras also refers to the opinion of two important members of the Muslim community and says that they are definitely against the provisions of this Bill, and one of them is Sir Mahomed Usman and the other is Syed Abdul Wahab Bukhari Sahib.

"Sir, the Chief Presidency Magistrate whose opinion has also been printed in this booklet says, 'The Muslim public opinion alone must have the final say in this matter, and I am not certain it would support the Bill'.

"Sir, of the 12 opinions given in favour of this Bill, one is from Mr. V. L. Ethiraj, the Public Prosecutor of Madras. He simply says, 'I agree with the principles and object of the Mover of the Bill'. He does not discuss any of the provisions of the Bill. He does not say what the opinion of the Muslims on this Bill is. The Secretary to the Board of Revenue has simply forwarded the opinions of some of the District Collectors, and the opinions of most of them are, as I have already stated, not only vague, but do not also indicate whether the Muslims of the respective districts are for or against the Bill. There are also opinions received from two persons of the same family in Tiruchirappalli, who have expressed in favour of this Bill.

"The Mover referred to the opinion expressed by the Muslim Educational Association of Southern India. That Association definitely says—

'Viewed from this aspect, the provisions of the Madras Wakf Bill No. 3 of 1947 and the machinery suggested therein do not and will not achieve any purpose whatsoever in securing the better and efficient management of the Wakf properties. This Association is of opinion that the provisions contained in the Bill are calculated only to defeat the very object rather than secure any good purpose. The Bill is ill-conceived, ill-drafted and cumbersome. The scheme of the Bill and the various bodies sought to be set up under the Bill for the administration and control of the endowments are unworkable and will tend to go the same way as the bodies set up under the Religious and Charitable Act 20 of 1863.

'In the opinion of this Association, the Madras Wakf Bill No. 3 of 1947 is unnecessary and no useful purpose will be served by its enactment into law.'

The Muslim Educational Association is very clear on this point, and it is no use trying to get away from this clearly expressed

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opinion. Then there is the other opinion expressed by an Association in the City, namely, the Anjuman. The Anjuman has clearly stated—

‘At a meeting of the Executive Committee of the Anjuman held on 6th June 1949 under the chairmanship of Sir Mohamed Usman, the following resolution was passed:—

“The Anjuman-e-Mufid-e-Ahl-e-Islam is of opinion that the Madras Wakf Bill 1947 (L.C. Bill No. 3 of 1947), will not at all achieve the purpose for which it is brought forward, as many of the provisions of the Bill are unworkable, ineffective and will create practical difficulties and will also discourage people from making wakfs; and therefore the ex-committee of this Anjuman requests the Government not to support the Bill.”

If we analyse the opinions received in favour of the Bill, they will reduce themselves to four or five people supporting the Bill. Khan Bahadur Mohamed Fazluddin Sahib Bahadur, Chidambaram, who has given his opinion in favour of the Bill, says that when the former Bill brought forward by Mr. Basheer Ahmed Sayeed Sahib was circulated for public opinion, his opinion was given. His opinion then was that ‘the disease might well be remedied by the Local Government by extending the Muslim Wakf Act of 1923 to the Madras Province and by rules and by-laws framed under the Act, and that the opinions were printed but the matter did not proceed further.’ This was the opinion he gave then. Now he has given some other opinion. He has not explained why he prefers this Bill, he only says it is satisfactory. On the other hand there are more than 25 opinions expressed against this Bill. All are by independent people like the Anjuman and the Muslim Educational Association of South India. Meetings have been conducted in Malabar, in the Nilgiris and other places. If we are to go by the opinions as given expression to by the various individuals and associations, and which have been printed in this book, there is no doubt that the Muslim public are definitely against this Bill. But my friend the Mover of the Bill says that the Muslim public has not expressed its opinion fully. I ask why should he then fight shy of recirculating the Bill for public opinion? The Muslim public wish that it should not be enacted into law. According to the opinions expressed and printed in this book they are definitely against this Bill. Only four or five have given their opinion in favour of this Bill. My hon. friend has attributed motives to those who oppose the Bill. I do not know who are the persons who are responsible for the so-called manipulation. Can he point out any single instance in which there was manipulation against the Bill? He says that he is capable of manipulating things and that he has manipulated on previous occasions. He could have done it now also. But the opinions against the Bill are the spontaneous opinions elicited by the Government. Only those people who have been asked by the Government to give their opinion have given their opinion. My hon. friend referred to certain irrelevant matters. I do not want to reply to them on the floor of this House. He is by such irrelevant and incorrect statement canvassing the support of the Members opposite with some ulterior purpose. I appeal to the hon. Members opposite not to be guided by such irrelevant and incorrect bogeys raised by my hon. Friend. I do not



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want to reply to those points because they are too mean for me to reply. I shall answer only one point, viz., the allegation he made against the League.

"He has attributed motives to the Muslim League. He stated that because he had left the League, we were opposing this Bill. Let me remind my hon. Friend that he gave notice of this Bill when he was a Member of any party and without obtaining the permission of the party and even before he left our party, the party decided that this Bill should not be brought forward. The party, in fact, expressed its opinion against this Bill. What he says now is a canard which he has concocted for the purpose of enlisting the sympathy and obtaining the support of my friends opposite. He thinks that by telling them 'I am one with you, only these people are against you; I am prepared to entrust you with everything mine, and my community's and my community's religious institutions while the other people will not do so'."

THE HON. SRI K. MADHAVA MENON :—"Sir, is it in order for an hon. Member to say that a canard has been concocted? Canard always means a thing which has no existence. He says Mr. Farookhi Sahib concocted evidence."

MR. PRESIDENT :—"He stated that he concocted materials."

JANAB K. T. M. AHAMED IBRAHIM :—"Sir, the hon. Member Mr. Farookhi has used the word 'manipulated'."

DR. V. K. JOHN :—"The Muslim League wants extensive freedom to make personal allegations. It is in their very nature."

\* JANAB K. T. M. AHAMED IBRAHIM :—"Sir, I submit that there is no use going away from the real point at issue and bringing in irrelevant matters and trying to see one's reflection in others. The Bill was circulated to elicit public opinion. The public opinion is there, and the Muslim public opinion has definitely expressed itself against the provisions of this Bill. If you are not satisfied with the opinions, the Bill may be recirculated. I am prepared to take it. But if you want to go by the opinions of four or five who are in favour of the Bill, I would say that it would be not only ignoring the Muslim public opinion but also going against the almost unanimous opinion of the Muslim public of the Province. The Hon. the Leader of the House the other day stated that he would go by the public opinion of those who are interested in the wakfs. I only request hon. Members opposite to fulfil that promise that in passing such a measure they would be guided by the opinion of the persons who are concerned in this Bill.

"Sir, reference was made to the Hindu Religious and Charitable Endowments Bill. We know that the Hindu community is not at all satisfied with the working of the Endowments Act. Another measure is about to be enacted into law. What is the use of bringing in a measure for Muslims based on an Act which has become obsolete, and which is considered not sufficient to satisfy the needs of the Hindu Religious Endowments. Let us wait until

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the other measure comes into force, and see how it works. If you bring the Muslim endowments also into the same position as the Hindu religious endowments, there will be further confusion. I request the Government not to be a party to create further confusion in the matter, especially when that Act has been found unworkable, and a new and comprehensive measure is being enacted. Therefore, Sir, that analogy does not apply.

"In view of all that I have stated, I would appeal to the Members opposite either to be guided by the opinion as expressed, or, if they are not willing to do so, to agree to recirculate the Bill for eliciting public opinion. I do not think a better case for recirculation can be made for any Bill. I hope that the members of the majority party will not succumb to the tactics of the Mover of the Bill to enlist their support."

JANAB S. K. SHAIK ROWTHER:—"Mr. President, Sir, I second Mr. Ibrahim's amendment that the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947) be recirculated for eliciting public opinion thereon, under Rule 74 of the Madras Council Rules, as in my opinion and in the opinion of the Muslim League party this Bill is not necessary, and it should not be passed. So, I support the amendment moved by Mr. Ibrahim."

\* THE HON. SRI K. MADHAVA MENON:—"Sir, this motion for recirculation appears to be out of order. Rule 75 of the Council Rules says—

'75. (1) At any time after the expiry of six days from the publication of a Bill in the Gazette, the member in charge of the Bill may make one of the following motions in regard to his Bill, namely:—

(a) that it be taken into consideration by the Council either at once or at some future day to be then specified; or

(b) that it be referred to a Select Committee of the Chamber; or

(c) that it be circulated for the purpose of eliciting opinion thereon.

(2) On such motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.'

"Rule 76 says—

'76. Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee; unless the President, in the exercise of his power to suspend this rule, allows a motion to be made that the Bill be taken into consideration.'

So, the option given is either to move that the Bill be referred to a Select Committee or be taken into consideration at once. There is no question of a second circulation contemplated under rule 75. In rule 76 the option given to the President is only to advance it further by saying that it may be taken into consideration at once and not referred to a Select Committee."

MR. PRESIDENT:—"Please read rule 74."

THE HON. SRI K. MADHAVA MENON:—"Rule 74 says—

'74. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.'



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MR. PRESIDENT:—"This rule seems to contemplate a motion for recirculation being made by a member other than the member in charge."

THE HON. SRI K. MADHAVA MENON:—"Rule 75 comes after this. That rule says . . ."

MR. PRESIDENT:—"If the word 'recirculation' is not there, it is all right. It says . . . circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge."

THE HON. SRI K. MADHAVA MENON:—"Then, rule 76 becomes absolutely useless. Every time a motion for recirculation can be made, and any Bill can be made nugatory. That is why rule 76 says that it must be referred to a select committee."

MR. PRESIDENT:—"I know there is a direction so far as the Member is concerned that he cannot do anything else except to ask for a select committee to be appointed. So far as the Member in charge of a Bill is concerned, when once it has been circulated for public opinion, his business is to move for a select committee to be appointed. But the right of any other Member to say that the Bill be recirculated is not taken away."

THE HON. SRI K. MADHAVA MENON:—"Rule 74 says that the Member in charge can move that motion also." 4 p.m.

MR. PRESIDENT:—"Rule 74 says . . . any Member other than the Member in charge . . ."

THE HON. SRI K. MADHAVA MENON:—"It says—  
'no motion shall be made by any member other than the member in charge . . .'  
Therefore, the Member in charge can always move for recirculation."

MR. PRESIDENT:—"Please read the latter portion also. 'No motion . . . shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge'."

THE HON. SRI K. MADHAVA MENON:—"When the member in charge can move for recirculation, rule 76 is meaningless. Under rule 76, he must move that the Bill be referred to a Select Committee."

MR. PRESIDENT:—"We are only concerned with this—whether a member other than the member in charge of the Bill can move for recirculation. Is it contemplated under rule 74 or not?"

THE HON. SRI K. MADHAVA MENON:—"Of course, the word 'recirculated' is very difficult to be interpreted, Sir."

MR. PRESIDENT:—"On one occasion in the Central Assembly on the Hindu Marriages Dissolution Bill, an amendment was moved. The Bill was once circulated for public opinion; it came up before the House while the member in charge moved for recirculation."

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THE HON. SRI K. MADHAVA MENON :—" In rule 74 the words ' be circulated or recirculated ' may give room for an interpretation for recirculation. But the member in charge can move that the Bill be referred to public opinion instead of saying that the Bill be taken into consideration. As rule 76 comes after rule 74, he must move that the Bill be referred to a Select Committee."

MR. PRESIDENT :—" No, the difference is that under rule 76 the member in charge, if he wishes to proceed with the Bill, must move that the Bill be referred to a Select Committee. Otherwise he can ask for recirculation under rule 74."

THE HON. SRI K. MADHAVA MENON :—" If the member in charge does not want to proceed with the Bill, he can ask for recirculation."

\* DR. V. K. JOHN :—" This is very simple in my opinion. There is no conflict between rules 74, 75 and 76. Rule 75 comes into play after the stage of circulation. Then, the President might, in the exercise of his power, allow a motion to be made that the Bill be taken into consideration. Then we repass rule 75 which we once passed. Then we go back to rule 74. Rule 74 says, ' No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge? . . . ' Therefore, if you had exercised your power under rule 76, this member in charge may move that the Bill be taken into consideration. When once it has been moved, any member other than the member in charge may move that it be recirculated. But now you have not exercised your power and have allowed Mr. Farookhi Sahib to move that the Bill be referred to a Select Committee. Then rule 74 is not reattracted. Therefore, circulation or recirculation goes away. Nobody can move for it. But somebody can move, in my opinion, that it should be referred to a Joint Select Committee because rule 111 will be attracted, even though rule 74 is not."

MR. PRESIDENT :—" I say rule 74 will apply when rule 75 is taken into consideration."

\* DR. V. K. JOHN :—" Before rule 75 comes into play or replay, when you ask that the Bill may be taken into consideration . . . ."

MR. PRESIDENT :—" You say that rule 74 can be applied when it comes into play for the first time or when it is reattracted by my saying that the Bill be taken into consideration. Rule 75 contains all the three motions—that the Bill be taken into consideration, that it be referred to a Select Committee, and that it be circulated for eliciting public opinion. It does not provide for consideration alone. So, if rule 75 is attracted, all the three are attracted. Circulation is also there. So, please let me know how you explain the word recirculation."



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\* DR. V. K. JOHN :—" Recirculation may be second, third or fourth circulation. So this Bill reached the stage of rule 75 at one time. The motion ' that the Bill be taken into consideration by the Council either at once or at some future date ' can be made by your exercising the power under rule 76."

MR. PRESIDENT :—" But rule 75 comes into play for all these things—taking into consideration, referring it to a Select Committee or circulating it for eliciting public opinion. The stage of circulation for eliciting public opinion was over. Now, if the member in charge wants to proceed with his Bill, he must move that the Bill be referred to a Select Committee. That is what has been done now. But some other member who does not want to proceed with it may move an amendment under rule 74 that it be recirculated. Please let me know how you explain the word ' recirculated ' in rule 74."

\* DR. V. K. JOHN :—" Under rule 75 there was an amendment to this motion that the Bill be circulated. The amendment was carried last time."

MR. PRESIDENT :—" It was accepted."

\* DR. V. K. JOHN :—" Yes, Sir, the Bill was accordingly circulated. Then from 75 we go to 76. There the President may in the exercise of his power suspend the rule and allow a motion to be made that the Bill be taken into consideration. But if you do not suspend that rule, what happens?"

MR. PRESIDENT :—" The motion will be for reference to a Select Committee."

\* DR. V. K. JOHN :—" That can be done only if you do not suspend that rule, because it is said there that if the member in charge wishes to proceed with the Bill thereafter, he must move that the Bill be referred to a Select Committee. But if the President suspends the rule, . . . ."

MR. PRESIDENT :—" What difference does it make? "

\* DR. V. K. JOHN :—" The difference is this—then rule 74 will be reattracted, for you are allowing a motion that the Bill be taken into consideration."

MR. PRESIDENT :—" But rule 74 contemplates taking into consideration as well as reference to a Select Committee."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Sir, I think the position is very clear in spite of what my hon. Friend has got to say. Under rule 75, the motion that the Bill be referred to a Select Committee of the Chamber has been passed on a previous occasion."

MR. PRESIDENT :—" No, it was for circulation."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Yes, Sir, the motion that the Bill be circulated for eliciting public opinion was passed. Then, the next stage is rule 76 where the Mover says that it be referred to a Select Committee. We are

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now on that motion. It is at this stage that rule 74 comes into operation. Your power as President to suspend the rule has not arisen at all. The position now is that the House is seized with the motion of the hon. Mover of this Bill that it be referred to a Select Committee. When that motion is made, rule 74 gives an opportunity to any other member to say 'As the Bill has been moved to be referred to a Select Committee, I now move, by way of an amendment, that it be recirculated for eliciting public opinion.' The position is thus very clear. I do not see why the time of the House should be wasted."

DR. V. K. JOHN :—" Rule 74 does not contemplate 'Select Committee' at all. The clause only says 'No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill . . . .'"

MR. PRESIDENT :—" There is the second half of the rule 'no motion that a Bill be referred to a Select Committee or be circulated or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge . . .'. Rule 74 deals with both 'taking into consideration' and 'referring it to a Select Committee.' Rule 75 contains all these things—'taking into consideration,' 'Select Committee' and 'eliciting public opinion.' After eliciting public opinion, if the member in charge wants to proceed, he can move that the Bill be referred to a Select Committee; if he does not want to proceed, he can himself make a motion under rule 74 that it be recirculated. If he wants to proceed, any other member can move that it be recirculated."

\* DR. V. K. JOHN :—" Sir, I want to oppose the motion for recirculation. Apart from this legal question which we have now decided, I want to say this. It does not appear that the Members had time to read the opinions on this Bill before. The Collector of Madras said—

'The Madras Wakf Bill, 1947, seeks effectively to control the religious and charitable endowments, which are not satisfactorily managed by the trusts, on the analogy of the Hindu Religious Endowments Act. The advantages arising out of the enactment overweigh the disadvantages which are likely to result on the introduction of the Bill.'

"The Secretary, Board of Revenue, said—

'The consensus of opinion of the Collectors is in favour of the Bill. The Board agrees with the Collectors that the Bill is a necessary measure . . . In conclusion, the full Board is of the view that the intended legislation will provide for the efficient management of the Wakfs in the Province.'

Sir, my hon. Friend Mr. Ibrahim said that 'Muslim public opinion is dead against it'. I am wondering whether the Secretary, Jamia-Ulama-I-Hind (Andhra Branch), Eluru, can speak on behalf of the Muslims. He said—

'The (Muslim) Conference is of opinion that a legislation of this kind is essential to protect the Wakf properties from mismanagement and request the Government to provide for a membership nominated by the Jamiat-Ulama-I-Hind, Andhra Branch.'

Mr. Sayyid Abdul Karim Suhrawardy, Tiruchirappalli, in an Appeal to the Muslim masses, says : 'Hence our sincere appeal to all Muslims to realize their responsibility and accord enthusiastic support to the proposed Wakf Bill so that our community may improve.'



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“ Again, Khan Bahadur Muhammad Fusluddin Sahib, Retired District and Sessions Judge, Chidambaram, says, ‘ The Bill is long overdue.’

“ Thus, there are many opinions of leading Muslims in this Province and my learned Friend has the goodness to state in this House ‘ Muslim opinion is against it’. At best, it is divided. But the opinion of the Board of Revenue and of all Collectors is in favour of this Bill or the principle underlying it.

“ Sir, when it is said that the Muslims are not in favour of this, I can see the hand of the Muslim League behind it. Sir, we can refer this Bill to a Joint Select Committee. We want that the Trust funds should be well controlled and there should not be any mismanagement. When Hindu institutions and Christian institutions are controlled and guarded against mismanagement, why not the Muslim institutions too be controlled likewise? This Government belong to everybody. So, this Bill ought to go before a Joint Select Committee. Let the hon. Members go through the whole thing and make drastic changes if they like. The principle has been accepted. The opinion of the Collectors and the Board of Revenue is in favour of this measure. I therefore say that the amendment should not be supported.”

4.15  
p.m.

MR. PRESIDENT :—“ What does the Government say in this matter? ”

\* THE HON. SRI K. MADHAVA MENON :—“ Sir, the Government as such have no opinion to offer on this Bill. The opinions have been circulated to all the members and Government have left it entirely to the free vote of the members of the party to decide as they like. Personally, my view—, not as a member of the Government—, is that it is very desirable that endowments which become more or less a public property should be looked after properly. In this case, the proposal is to have a Board consisting of Muslims alone. The matter could be considered profitably in a Select Committee and discussed thread-bare and something could be done which would save the Endowments from being destroyed and made useful for the purpose for which they were intended by the donors. Sir, this is a ticklish matter for the Government to express an opinion on, as it will be easily construed that we are trying to set up one section of the community against the other. When there is divided opinion, it is very easy to say that we want to divide people and all that. So, in this matter, we propose to take a neutral attitude and leave it to the members of the party to decide as they like.”

SRI T. PURUSHOTHAM :—“ Mr. President, Sir, this Bill that has been brought forward by Mr. Farookhi Sahib is a very good one in order to protect the properties of the Muslim Charities. Sir, those people who had the backing of the previous Government could escape and enjoy the properties of the Muslim Charities of these Wakfs. The only people who are enjoying these properties are the Leaguers. Therefore they do not want that such a Bill should come into force even at this juncture. We, Hindus are anxious to protect the properties of the temples and long ago, we have brought

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in a Bill to protect the properties of the charitable institutions. Therefore, we want to support any Bill that safeguards the properties of any charity to whichever community it may belong. Therefore, we Hindus heartily support the Wakf Bill (hear, hear) which will protect the properties of the Muslim Charities. Now, several of the Muslims in our Province, several bigwigs have lost their properties and are entirely dependent on these charity properties. It may become an obstruction to these persons if this Bill is enacted as they cannot enjoy these properties as they were doing before. Therefore, I request my friends on this side to support such a measure like this brought by Mr. Abdul Farookhi. If there are any defects in this Bill, let us sit together if this is referred to a Joint Select Committee. We can scrutinise this Bill and see that a beautiful Bill is enacted into law to safeguard the properties of the charitable institutions to whichever community they may belong. I support this motion of Mr. Abdul Farookhi to refer this Bill to a Joint Select Committee."

\* THE HON. DR. T. S. S. RAJAN :—“ As far as the Government party is concerned, the party members are allowed to have a free vote in this matter. They are entirely free to vote as they think best. But, personally, I would like to warn our members of one fact. This Bill relates to the Muslim community which has to be noted by them. In view of the fact that this Bill has been brought before us and as the Government are responsible for it, it is our duty to bring to bear the Muslim opinion on the Bill. I do not want it to be said that we, Hindus, want, by our number, to capsize the Muslim public opinion and that we have not done justice to them. I do not want our Muslim brothers to go and say that we have not treated them fairly and well. If they feel that by our majority we can do injustice to them, I do not want that opinion to prevail in that community. It is very necessary that for the cordial relations of both communities, we must understand each other. Therefore, we as Government, have allowed our party members to use their judgment on this matter and give their vote. In so doing, I want to warn our members also as to the consequences of their action if they do it without due consideration to Muslim opinion in this matter. They will certainly be causing a certain amount of lack of harmony in our relations with Muslims. I do not know whether Mr. Farookhi Sahib said that Muslim opinion is entirely in favour of the Bill. Opinions recorded with regard to this Bill disclose that there is difference of opinion. It may be said that the majority of opinion is in favour of this Bill. There may be many people who are in favour of this Bill. That may be true. That would not be sufficient for us, members of this House, to say that Muslim opinion is entirely in favour of this Bill. Therefore, I would ask the members to allow Muslim opinion to go into this matter and in doing so, if a Joint Select Committee could be constituted in which the Muslim opinion will be well represented, such a Committee is certainly welcome. I would like Mr. Farookhi Sahib to wait and get the opinion of the Legislative Assembly as well so that as many Muslims as possible could express a definite opinion on this matter when the Joint Select Committee considers the whole question. At the time when I supported the Bill, I



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thought that Muslim opinion would be unanimously in favour of this Bill. Now I find that there is difference of opinion. In religious matters, especially of the minority communities in our Province, we must see that good relations are always maintained because it is very necessary to carry on the administration in a way agreeable to all. Personally, in a matter like this, I would like to consider the opinion of the Muslims seriously. Hence I would like the members to seriously consider these points before they decide to vote."

\* SRI S. B. ADITYAN :—" I would like to touch on one aspect of the matter under discussion. The point is whether this Bill should be recirculated to elicit public opinion. I submit that that would be a waste of further time and probably expenditure. If it is still in doubt as to what Muslim opinion actually is on this point, it can be obtained even now. Even if the Bill is referred to a Select Committee, it will be open to the Select Committee to take evidence and to call the public to express their opinion by notice which will be published in papers. Those interested can come forward and submit memoranda or give evidence before the Select Committee. The Select Committee after hearing the evidence can come to a correct conclusion. There is no shutting out of public opinion by the appointment of a Select Committee. I submit that at this stage we may now proceed to the next step as a *prima facie* case has been made out. It may be that Muslim opinion is divided, but still, as a case has been made out for appointment of a Select Committee any further evidence that may be necessary can be taken at a later stage by the Select Committee itself. I support Mr. Abdul Farookhi Sahib's motion."

\* JANAB ABDUL LATIF FAROOKHI :—" Sir, I do not want to take up the time of the House by entering into controversial matters. I would simply make one or two observations. My hon. Friend Mr. Ibrahim Sahib referred to the opinion of Mr. Muhammad Fazluddin Sahib. If you go through the opinion of Mr. Fazluddin Sahib, an ex-District Judge, you will find that he has expressed himself in clear unmistakable terms that he is in favour of this measure. There is no question of Mr. Fazluddin Sahib being opposed to this measure. I would like to submit for the consideration of Leader of the House the fact that it is no use if we are going to live in separate water-tight compartments as Muslim opinion for Muslims where Muslim matters will be considered and Hindu opinion for Hindus where Hindu matters will be considered (Hear, hear). Then, the logical and correct conclusion of that course of reasoning is that you must have separate electorates for Muslims and Hindus. When we are trying to do away with this and trying to weld these two communities harmoniously, feeling that their interests are inter-twined and mixed up together, this sort of saying that Muslim opinion will have to be obtained for matters relating to Muslims and Hindu opinion will have to be obtained for matters relating to Hindus does not at all suit. I have no objection to drop this Bill even at this stage. I do not want anything for me in this Bill. I only wanted that something should be done to the public.

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4-30  
p.m.

" I differ from the Hon. the Leader of the House. I do not agree with the views he has just now expressed. He intends to take only Muslim opinion into consideration in this matter rather than . . . ."

DR. V. K. JOHN :—" The Hon. the Leader of the House said that no section of Muslim opinion should be hurt. He never said that no Hindu opinion should be consulted."

\* JANAB ABDUL LATIF FAROOKHI :—" I stand corrected, Sir. I am thankful to the Leader of the Opposition for having cleared my mind. I submit that there can be no measure, however good and however perfect it may be, which will command unanimous support. Even the best of measures will have some critics. So, you cannot totally eliminate criticism. You cannot imagine that everyone living in this Province will be in favour of any measure you bring forward. Take for instance the Hindu Religious Endowments Bill. There is criticism among the Hindus themselves of this Bill. It may perhaps be due to the existence of vested interests, and you can ignore them. Therefore, it is impossible to expect hundred per cent support for a measure and all that you have to see is that the majority of the people affected by the legislation is in favour of it. Now judging from the various opinions received on my Bill, I have no doubt whatsoever in my mind that the majority of Muslim as well as other opinion is in favour of this Bill. I have also read the views of the Collectors of several districts and consulted various important Muslim leaders. All are one in supporting my measure. (A Voice : 'The majority are against the Bill'.) Whatever may be the opinion of my hon. Friend, it is up to him to canvass support for it. But anyone who is not so much interested or anxious as my hon. Friend is in re-eliciting public opinion, will see that my Bill commands all-round support. I do not want to dilate further and weary the House. Sir, I oppose the amendment."

MR. PRESIDENT :—" The question is—

' That the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947) be recirculated for eliciting public opinion thereon '."

The amendment was put and lost.

\* JANAB K. T. M. AHAMED IBRAHIM :—" Sir, I move—

*' that under rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members to consider the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947), (5 Members from the Council and 10 Members from Assembly).'*

This is an amendment which has already been accepted by the Leader. . . (The Hon. the Leader of the House : 'No. I have not accepted anything.) I meant the Leader of the Opposition and therefore, I hope there may not be any difficulty in the mover accepting it, as his leader has already expressed himself in favour



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of it. We have been often clamouring for Joint Select Committees in regard to Bills emanating from the Assembly and now this is a proper occasion when we can set an example for the other House in the matter of Bills emanating from this House. Sir, I submit that the opinions and the views of the important Members of the other House especially of the Muslim Members of that House would be very helpful and necessary in regard to the final drafting of the Bill. I am sure that there will be no objection on the part of hon. Mr. Farookhi Sahib to the constitution of a Joint Select Committee. Everyone will agree that there is hardly any harm in having Joint Select Committees. On the other hand, it is highly necessary, advisable and beneficial to have Joint Committees. We have been urging for such committees on every occasion. I would therefore commend this motion to the acceptance of the House and I do not want to go into the merits of the case now."

JANAB S. K. SHAIK ROWTHER :—" I second it."

JANAB ABDUL LATIF FAROOKHI :—" On a point of order, Sir, the question of constituting a Joint Select Committee comes in only in the case of those Bills emanating from and passed by the Assembly, and Rule 74 contemplates only ' a Select Committee '."

MR. PRESIDENT :—" The stage relating to Rule 74 is over. We are in Rule 76 now."

JANAB ABDUL LATIF FAROOKHI :—" There again, the rule contemplates reference to ' a Select Committee '. May I know, Sir, whether it provides for a Joint Select Committee?"

MR. PRESIDENT :—" It does not say so exactly, but it includes a Joint Select Committee also."

JANAB ABDUL LATIF FAROOKHI :—" I still feel that the motion is inadmissible . . ."

MR. PRESIDENT :—" The original motion by Mr. Abdul Latif Farookhi has been made under Rule 76 that the Bill be referred to a Select Committee. The present amendment is to that motion itself and is made under Rule 111 (i). Therefore, it is wrong to think that Rule 111 (i) comes into play only in the case of Bills emanating from and passed by the Assembly and received here for our consideration. It applies to all Bills whether they originate here or in the other House, but once a Bill is passed by the Assembly after reference to a Select Committee, we have no right to appoint another Committee."

DR. V. K. JOHN :—" With due respect, Sir, the heading in the rules is misleading. Probably it is a printer's mistake."

JANAB ABDUL LATIF FAROOKHI :—" May I know, Sir, how my amendment to refer the Public Order Bill to a Joint Select Committee was allowed?"

MR. PRESIDENT :—" That Bill was not referred to any Select Committee in the Assembly and so the Motion for Select Committee was allowed."

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JANAB ABDUL LATIF FAROOKHI :—“ Sir, if we appoint a Select Committee here, then pass the Bill and send it on to the Assembly, the Assembly too has got a right to appoint another Committee.”

MR. PRESIDENT :—“ Is the hon. Member making a rule for the other House or is he following the rules in force here? There is a rule, Rule 106, which says that if a Select Committee has been appointed by one House, the other House has no right to appoint another Committee on the same Bill.”

SRI M. NARAYANA RAO :—“ Sir, may I know whether it is necessary that this Bill, before it is passed here, should go to the other House? ”

MR. PRESIDENT :—“ Yes, if the constitution of a Joint Select Committee is agreed to.”

JANAB ABDUL LATIF FAROOKHI :—“ On a point of order, Sir, is my hon. Friend in order in moving a second amendment to the same Bill? ”

MR. PRESIDENT :—“ The hon. Member can move any number of amendments.”

SRI M. NARAYANA RAO :—“ Sir, is it necessary that this Bill should go to the Lower House and have its approval even after we have agreed to a Joint Select Committee, and then only we can nominate Members? ”

MR. PRESIDENT :—“ I shall explain the procedure. We do not appoint the members now. We simply pass the motion saying that this House resolves that a Joint Select Committee with 15 members, 10 from the other House and 5 from here, be constituted and request the Lower House to express its concurrence. If the Lower House accepts our motion, they pass a similar resolution and nominate their members and send it on to us. Then we nominate our members, and the Joint Select Committee meets and submits its report.”

SRI S. B. ADITYAN :—“ Sir, the Motion before the House is that the Bill be referred to a Joint Select Committee. I feel that such a thing would delay matters and would even defeat the very purpose of the legislation. I therefore oppose the amendment.”

JANAB ABDUL LATIF FAROOKHI :—“ I am also opposing this Motion on the ground that reference to a Joint Select Committee will serve no useful purpose. I have already mentioned in my speech that such dilatory tactics are often indulged in to side-track the issue. . . .”

MR. PRESIDENT :—“ We are not the only Legislative Chamber. Even supposing we appoint a Select Committee here and pass the Bill, it is open to the other House to throw it out. Therefore, it is not as if the whole thing rests in our hands.”

JANAB ABDUL LATIF FAROOKHI :—“ I am not unaware of the fact, Sir, that a Bill when passed here has to go to the Assembly



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for becoming law. I do not dispute that at all. What I mean to suggest is that such amendments are resorted to as a sort of dilatory tactics. . . .”

DR. V. K. JOHN :—“ Sir, if we pass the motion that the concurrence of the Lower House be obtained, is it necessary that it should be moved there on a non-official day? I think the moment the motion is carried, it becomes official business and the Government will have to make the motion in the other House. I would request the Government to take up the motion as otherwise it will be delayed and will not be moved during this session.”

MR. PRESIDENT :—“ I cannot understand the hon. Member's argument that once the motion is carried here it becomes official business. Last year, when Mr. Kaleswara Rao's Bill was passed by the Assembly, he had to find a non-official Member in this House to move the Bill. I can understand the argument being put forth by any other hon. Member, but I am sorry that a person like Dr. John should have raised it. It is up to the Government to take up the Bill. If they do not the hon. Mover must find somebody to sponsor it in the Lower House.”

JANAB ABDUL LATIF FAROOKHI :—“ I oppose it and simply sit down.” (Laughter.) 4-45 p.m.

\* SRI S. B. ADITYAN :—“ On the subject of this amendment I have got this to submit. There is certainly difference between referring it to a Select Committee and to a Joint Select Committee. If you refer it to a Joint Select Committee it has to go to the Assembly twice for concurrence. It should wait for a non-official day in the Assembly and it has to come again to this House and again wait for a non-official day. I had my own experience on a non-official motion moved by me two years ago. It took two full years. There was no end to the references and cross references and it is to be passed next week by the Assembly.”

MR. PRESIDENT :—“ Next week? ”

SRI S. B. ADITYAN :—“ I hope so.”

MR. PRESIDENT :—“ What is the Bill.”

\* SRI S. B. ADITYAN :—“ Animal Sacrifice Abolition Bill. It was passed here and is still waiting for a non-official day in the Assembly. Therefore what I feel is, if you want to drop the Bill, do so openly, straightaway now, and there would be an end to it. On the other hand if you feel we must do something, which certainly seems to be the opinion of all, I say, let us make a move and appoint a Select Committee. Let it collect evidence. The Members of the Assembly can appear before the Select Committee and offer their opinions. Mr. President, the Hindu Religious Endowment Bill was before a Select Committee and Members of this House and the Members of the Assembly gave their opinions before the Committee. Their evidence was duly considered although

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they were not themselves members of the Committee. So it will be quite open to the Members of the Assembly to offer their opinions before the Committee.

“The motion before the House is a dilatory motion. Are we going to submit to this dilatory tactics or are we going to proceed with the Bill? If we mean going on with it, let us appoint a Select Committee. If you want to adopt dilatory methods it will delay the matter which will amount to dropping the Bill altogether. Now I oppose the move for the appointment of a Joint Select Committee.”

SRI M. NARAYANA RAO :—“Suppose we appoint a Select Committee and the Andhra Province is created (Laughter), there will be no Council in existence by the time the Committee is formed. What is to become of the Bill.”

MR. PRESIDENT :—“I think His Excellency the Governor-General will answer that question.” (Laughter.)

DR. A. LAKSHMANASWAMI MUDALIYAR :—“I had not intended to speak on this. But there is a great deal of controversy sought to be introduced in this House by Members interested in this Bill and those who do not see eye to eye with them. I am interested that this should be considered properly by both the Houses. I must draw the attention of the Members to rule 94 of the Madras Council Rules which says that when a Bill is passed by the Council, it shall be sent by the President of the Council to the Assembly for its concurrence. That obviously means that any bill that goes to the Assembly, the Assembly considers it by whatever machinery it may set up and give its concurrence. I, therefore, feel that this idea of dilatoriness is entirely wrong. I would think, to speed up proper consideration by all those interested in this Bill, the proper course would be to appoint a Joint Select Committee. This is a very important Bill, which concerns a particular section of the public and I think we have a right to see that that section of the public expresses its opinion in both the Houses, particularly in the other House where a large number of Members of the Community can give a dispassionate consideration to the provisions of the Bill. I cannot see anybody feeling that this is dilatory tactics. In fact, if it is so, it will be entirely due to the Government not providing sufficient number of non-official days for discussion of non-official bills and resolutions. If, therefore, my friend, Mr. Adityan as the Whip of the Government Party uses his good offices, any dilatoriness in the passage of the bills and resolutions could be avoided. I refuse to think that anybody who supports the motion for the appointment of the Joint Select Committee can be guilty of dilatoriness much less feel embarrassed with the adjectives used. Taking the opinions that have been expressed on both sides, I think, in a matter like this, even if there is delay, it will be for the good of the Bill and will be a help for a proper consideration of the Bill. I cannot see how an important measure like this can be passed by one House without facing the probability or the possibility if not the certainty



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that the other House will go through the Bill. The proposition that the bill may be referred to a Joint Select Committee is reasonable."

\* DR. V. K. JOHN :—" The issue is simple. The previous speakers referred to the advantages in referring the Bill to a Joint Select Committee. All this is possible. But men with experience say, this will be just like throwing out the Bill. It will be a year or two before you get a Joint Select Committee, and then you have to find a Member and a non-official day to pilot the Bill in the other House."

MR. PRESIDENT :—" Even supposing you pass the motion to refer it to a Select Committee today you must find a non-official day to pilot the Bill through in the other House."

\* DR. V. K. JOHN :—" That is another stage. After the bill is passed it is certainly to be introduced by a non-official Member in the other House and passed. But we have to go through all these hurdles. Even if nobody objected to the Bill and every one voted for it, even then it could not be passed in two years. I am glad we have been allotted a non-official day and with your kindness we are discussing this non-official bill today. We are obliged to you for this. The House is obliged to you for this.

" I agree with Mr. Adityan. You must look at it from a practical point of view. The issue is this. Are we to reject it by merely delaying it or are we to get it passed in the best manner we can. I was originally of the opinion that a Joint Select Committee was a better one. If you want to reject the Bill or delay it and not get it passed, then vote for a Joint Select Committee, which will take two years. Therefore, I say, Sir, it is better that we agree with Mr. Adityan who introduced a non-controversial Bill which is now about to be passed after two years' time. We will have a Select Committee of this House and try to do the best that we can. As I have said we will take the opinion of every person interested and concerned in the matter and expedite the passing of the Bill."

SRI T. PURUSHOTHAM :—" With regard to this Bill, this House is particular that something is done now and now alone. My Friend Mr. Narayana Rao expressed his doubt that this House may be dissolved shortly. That is the only risk. We want that the Bill should be referred to a Select Committee now and the Bill passed in this House. We are not worried whether this House exists or not. Then this can go to the other House."

MR. PRESIDENT :—" Even then it will be affected after it is passed in this House. However, there will be transitory provisions provided for all these whether you pass it or not. After the Select Committee is appointed do you think it will be left in the air because the House is not going to exist. Transitory arrangements will certainly be made to see that it is pushed through. So don't worry about the dissolution."

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SRI T. PURUSHOTHAM :—“ Let us pass this Bill in the upper House and leave it there. Then it may be referred to the lower House.”

SRI M. NARAYANA RAO :—“ What will become of the Bill after it is passed here? ”

5 p.m. MR. PRESIDENT :—“ That is what I was telling you. The Governor-General will provide for it. I will put the amendment to the vote of the House. The question is—

‘ That under rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen Members to consider the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947) (five Members from the Council and ten Members from the Assembly).’ ”

The amendment was put to the House and declared lost. A poll was demanded and the House divided thus :—

*Ayes.*

- |                                 |                                    |
|---------------------------------|------------------------------------|
| 1 Janab K. T. M. Ahmed Ibrahim. | 4 Dr. A. Lakshmanaswami Mudaliyar. |
| 2 „ S. K. Sheik Rowther.        | 5 Sri B. Narayanaswami Nayudu.     |
| 3 „ K. Muhammad Rahimatullah.   |                                    |

*Noes.*

- |                         |                                |
|-------------------------|--------------------------------|
| 1 Sri S. B. Adityan.    | 7 Sri M. K. Sundarama Ayyar.   |
| 2 „ L. Subbarama Reddi. | 8 „ G. Venkata Reddi.          |
| 3 „ M. Narayana Rao.    | 9 Dr. V. K. John.              |
| 4 „ T. Purushotham.     | 10 Janab Abdul Latif Farookhi. |
| 5 „ N. Ramabhadra Raju  | 11 Sri H. M. Jagannatham.      |
| 6 „ A. Govindacharyulu. | 12 „ R. Suryanarayana Rao.     |

*Neutrals.*

- |                                  |                                   |
|----------------------------------|-----------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan.   | 5 Sri K. Manathunainatha Desigar. |
| 2 The Hon. Sri K. Madhava Menon. | 6 „ A. S. T. F. Rodriguez.        |
| 3 The Hon. Sri J. L. P. Roche    | 7 Dr. P. S. Srinivasa Ayyar.      |
| Victoria.                        | 8 Sri A. Gopalakrishnayya.        |
| 4 Sri N. Sankara Reddi.          |                                   |

Ayes 5 ; Noes 12 ; Neutrals 8.

The motion was lost.

MR. PRESIDENT :—“ I will now put the motion to the vote of the House. The motion is—

‘ That the Madras Wakf Bill, 1947 (L.C. Bill No. 3 of 1947). be referred to a Select Committee consisting of the following Members :—

- 1 The Hon. Sri K. Madhava Menon.
- 2 Sri G. Venkata Reddi.
- 3 Sri A. Govindacharlu.
- 4 Sri S. A. S. Rm. Ramanatham Chettiyar.
- 5 Janab K. Uppi.
- 6 Janab K. Muhammad Rahimutulla.



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7 Sri T. Purushotham.

8 Dr. Syed Tajuddin.

9 Janab Abdul Latif Farookhi (Mover).

10 Janab K. T. M. Ahamad Ibrahim.

11 Sri H. M. Jagannatham.' "

The motion was put and carried.

MR. PRESIDENT :—" Under rule 78 of the Council Rules, I appoint the Hon. Sri K. Madhava Menon as Chairman of the Committee."

• DR. V. K. JOHN :—" May I ask whether it would be possible to have one or two hours on the next day for the transaction of the remaining non-official business? "

THE HON. SRI B. GOPALA REDDI :—" On the next non-official day, it will be possible."

MR. PRESIDENT :—" I have already said that there is no use of making that suggestion. I am sorry we could not get through the rest of the non-official business. The House will now adjourn and meet again at 11 a.m. on Saturday, 26th November."

The House then adjourned.

வாய்மையே வெல்லும்  
TRUTH ALONE TRIUMPHS